IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 756 of 2001 (S/B)

Ram Sajiwan Yadav ..... Petitioner

Versus

State of Uttaranchal & Others ..... Respondents

Hon. P.C. Verma, A.C.J.
Hon. M.M. Ghildiyal, J.

Heard Mr. S.N. Babulkar, learned counsel for the petitioner and Mr. N.B. Tiwari, learned Chief Standing Counsel for the State.

By means of this writ petition, the petitioner has prayed for a writ of certiorari to quash the order dated 29.5.2001 passed by respondent No. 1. By order dated 29.5.2001, the petitioner has been sent back to his parent department as a result of re-structuring of the Social Welfare Department, of which the Minority Welfare Department was a part in view of the Cabinet decision dated 21st March, 2001. The petitioner was appointed on the post of Minority Welfare Officer by way of transfer of service / deputation, vide order dated 29th July 1998. The order dated 29th July 1998 clearly stipulates that the petitioner shall work on the post of Minority Welfare Officer, Department of Social Welfare for two years or till further orders, whichever is earlier. The petitioner was taken on this post of Minority Welfare Officer from the post of Assistant Development Officer (Samaj Kalyan). In the order dated 29th July, 1998, it has been clearly stipulated that the petitioner will get the salary and allowances of his substantive post that is of Assistant Development Officer (Samaj Kalyan). From this order, it is clear that the petitioner was not getting the salary of the post of Minority Welfare Officer. He was only working as such. In the counter affidavit, it is mentioned that a policy decision was taken by the Government of Uttaranchal for merger of various wings of the Department of Social Welfare, which were made independent departments by the existing State of Uttaranchal, and they have been merged in the Social Welfare Department in view of the reorganisation of the State and Department of Social Welfare have been restructured. As a result of this policy decision, the petitioner was required to go back to his substantive post.

The petitioner was not holding the post of Minority Welfare Officer substantively. It was an arrangement made by taking the petitioner by way of deputation / transfer of service. By impugned order, no civil consequences entail. The petitioner has been required to work on his substantive post. It does not amount to loss of status. The order impugned dated 29.5.2001 has been passed implementing the policy decision taken as mentioned in Annexure CAI. Therefore, the grievance of the petitioner is mis-conceived. In view of this, the writ petition is devoid of any merit and is liable to be dismissed.

Writ petition is dismissed accordingly. No order as to costs.

(M.M. Ghildiyal J.) **(P.C. Verma, A.C.J.)**

Dt. 01.03.2004
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